

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee
Hon. Mary Ann Grilli and Hon. Michael Nash, Co-chairs
Audrey Evje, Attorney, 415-865-7706, audrey.evje@jud.ca.gov
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Criminal Law Advisory Committee
Hon. Steven Z. Perren, Chair
Joshua Weinstein, Attorney, 415-865-7688, joshua.weinstein@jud.ca.gov

DATE: August 18, 2003

SUBJECT: Victim Restitution Form and Instructions (revise form CR-110/JV 790;
approve Forms CR-112/JV-792 and CR-117) (Action Required)

Issue Statement

Form CR-110/JV-790, *Order for Restitution and Abstract of Judgment*, is used in criminal and juvenile delinquency cases. The form serves both as a restitution order and as an abstract of judgment for enforcing the restitution order as a civil judgment. The dual function is designed to assist crime victims in recovering financial losses. However, that recovery process may not be readily understandable to many victims. To aid crime victims, the form should be revised to clarify the restitution process and improve its legal accuracy. Additionally, two instruction forms to assist victims in obtaining and filing the restitution order and abstract of judgment are proposed for approval.

Recommendation

The Family and Juvenile Law Advisory Committee and the Criminal Law Advisory Committee recommend that the Judicial Council, effective January 1, 2004:

1. Revise form CR-110/JV-790, *Order for Restitution and Abstract of Judgment*, to promote accurate computation of the restitution award, allow multiple individuals to sign the application, specify whether a stay has been entered, and clarify that wardship is not a prerequisite to requiring an offender to provide restitution;

2. Approve form CR-112/JV-792, *Instructions: Order for Restitution and Abstract of Judgment*, to provide victims with an easy-to-understand instruction sheet to assist them in getting a restitution order and applying for an abstract of judgment using form CR-110/JV-790; and
3. Approve form CR-117, *Instructions: Defendant's Statement of Assets*, to provide the defendant and the victim in criminal proceedings with an easily understandable explanation of how to fill out and read form CR-115, *Defendant's Statement of Assets*.

The proposed forms are attached at pages 5–10.

Rationale for Recommendation

Form CR-110/JV-790, *Order for Restitution and Abstract of Judgment*, allows a victim in a criminal or juvenile proceeding to enforce both a criminal restitution order and a civil abstract of judgment. Although the form is useful to victims, it can also be confusing. The proposed revision of form CR-110/JV-790 are needed to make the form easier to understand and make it easier for victims to obtain restitution for their injuries. Revisions include:

- Clarifying that being a person described in Welfare and Institutions Code § 602 rather than wardship is the prerequisite for a victim receiving restitution as set forth in Welfare and Institutions Code § 730.6(a)(1);
- Moving the order for interest, attorney's fees, and administrative fees from item 4 to item 3 so that these will be computed when the restitution is ordered;
- Adding a check box and the text "On Information and Belief" under the signature line of the Application for Abstract of Judgment to allow individuals such as victim advocates, prosecutors, and probation officers to sign the application on the information and belief that the judgment debtor has been properly identified through the official records available;
- Adding item 11 to specify whether a stay has been entered as required by Code of Civil Procedure section 674(a)(7) on a civil abstract of judgment.

Proposed form CR-112/JV-792 provides instruction for victims on how to properly complete form CR-110/JV-790. This form is needed to make the form CR-110/JV-790 easier to understand and make it easier for victims to obtain restitution for their injuries. In addition, CR-117 is needed to explain how to complete form CR-115, which needs to be filled out by the defendant in order for the victim to receive restitution.

Alternative Actions Considered

The proposed revisions to CR-110/JV-790 and new forms CR-112/JV-792 and CR-117 are necessary to bring CR-110/JV-790 form into compliance with governing law and to aid victims comprehension of CR-110/JV-790 and CR-115. No alternative actions were considered.

Comments From Interested Parties

The proposal was circulated for comment in the Spring 2003 cycle. It was sent to presiding justices of the Courts of Appeal, presiding judges of the trial courts, presiding judges of the juvenile courts, clerk of the Supreme Court, clerks/administrators of the Courts of Appeal, court executive officers and trial court administrators, district attorneys, and defense attorneys.

A total of eight comments were received. Three of the commentators agreed with the proposal; four of the commentators agreed with the proposal if modified; one commentator had no comment.

The bulk of the comments were technical in nature and have been incorporated where appropriate for clarity and accuracy.

One commentator, a deputy district attorney and chief of the Restitution, Enforcement and Victim Services Division of the San Diego County District Attorney's Office, suggested that an addendum page be added to form CR-110/JV-790 in order to provide additional space for victims to complete the form, particularly in cases involving multiple victims or defendants. The committee believes that this change should not be implemented because the abstract of judgment form cannot be used for multiple amounts owed or for multiple creditors; each creditor would need to record an individual abstract form.

The commentator also suggested including general introductory and concluding statements on instruction form CR-112/JV-792 to clarify that recording the abstract of judgment is not required for all civil remedies and to emphasize that a separate order and abstract of judgment should be completed for each defendant or minor ward found guilty of an offense. The committee believes that this change should be implemented in principle to provide further clarification for victims completing the form.

Another commentator indicated that since Code of Civil Procedure, section 674(a)(7) requires a civil abstract of judgment form to include whether the court has ordered a stay, form CR-110/JV-790 should specify whether a stay has been entered. The committee believes that this change should be implemented because the abstract of judgment is a civil order that must comply with section 674 of the Code of Civil Procedure.

The comments and the committee responses are summarized in the chart attached at pages 11–22.

Implementation Requirements and Costs

Implementation of the proposal will not result in any additional costs.

Attachments

DRAFT 8

8/14/03

ATTORNEY OR PERSON WITHOUT ATTORNEY (Name, state bar number, and address):

☐ Recording requested by and return to:

TELEPHONE NO.:

FAX NO. (Optional):

E-MAIL ADDRESS (Optional):

☐

ATTORNEY FOR

☐

JUDGMENT
CREDITOR

☐

ASSIGNEE OF
RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:

MAILING ADDRESS:

CITY AND ZIP CODE:

BRANCH NAME:

FOR RECORDER'S USE ONLY

CASE NUMBER:

CASE NAME:

FOR COURT USE ONLY

ORDER FOR RESTITUTION AND ABSTRACT OF JUDGMENT (Penal Code, §§ 1202.4(f), 1214; Welfare and Institutions Code, § 730.6(h) and (i))

ORDER FOR RESTITUTION

1. a. ☐ On (date): defendant (name):
was convicted of a crime that entitles the victim to restitution.
- b. ☐ On (date): child (name):
was found to be a person described in Welfare and Institutions Code section 602, which entitles the victim to restitution. ☐ Wardship is terminated.
- c. ☐ Parents or guardians jointly and severally liable (name each):
- d. ☐ Co-offenders found jointly and severally liable (name each):
2. Evidence was presented that the victim named below suffered losses as a result of defendant's/child's conduct. Defendant/child was informed of his or her right to a judicial determination of the amount of restitution and
 - a. ☐ a hearing was conducted.
 - b. ☐ stipulated to the amount of restitution to be ordered.
 - c. ☐ waived a hearing.
3. **THE COURT ORDERS** defendant/child to pay restitution to
 - a. ☐ the victim (name): in the amount of: \$
 - b. ☐ the State Victim Compensation Board, to reimburse payments to the victim from the Restitution Fund, in the amount of: \$
 - c. ☐ plus interest at 10% per year from the date of ☐ loss or ☐ sentencing
 - d. ☐ plus attorney fees and collection costs in the sum of \$
 - e. ☐ plus an administrative fee at 10% of the restitution owed (Pen. Code, § 1202.4(l); Welf. & Inst. Code, § 730.6(q))
4. The amount of restitution includes
 - a. ☐ value of property stolen or damaged
 - b. ☐ medical expenses
 - c. ☐ lost wages or profits
 - (1) ☐ incurred by victim due to injury
 - (2) ☐ of victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child
 - (3) ☐ incurred by victim due to time spent as a witness or in assisting police or prosecution
 - (4) ☐ of victim's parent(s) or guardian(s) (if victim is a child) due to time spent as a witness or in assisting police or prosecution
 - d. ☐ noneconomic losses (felony violations of Pen. Code, § 288 only)
 - e. ☐ other (specify):

Date:

JUDICIAL OFFICER

VICTIM TO RECEIVE CERTIFIED COPY FOR FILING WITH COUNTY RECORDER

Page 1 of 2

CASE NAME: _____	CASE NUMBER: _____
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NOTICE TO VICTIMS

PENAL CODE SECTION 1214 PROVIDES THAT ONCE A DOLLAR AMOUNT OF RESTITUTION HAS BEEN ORDERED, THE ORDER IS THEN ENFORCEABLE AS IF IT WERE A CIVIL JUDGMENT. ALTHOUGH THE CLERK OF THE COURT IS NOT ALLOWED TO GIVE LEGAL ADVICE, YOU ARE ENTITLED TO ALL RESOURCES AVAILABLE UNDER THE LAW TO OBTAIN OTHER INFORMATION TO ASSIST IN ENFORCING THE ORDER.

THIS ORDER DOES NOT EXPIRE UNDER PENAL CODE SECTION 1214(d).

THE VICTIM SHALL FILE A SATISFACTION OF JUDGMENT WITH THE COURT WHENEVER AN ORDER TO PAY RESTITUTION IS SATISFIED, PURSUANT TO PENAL CODE SECTION 1214(d).

APPLICATION FOR ABSTRACT OF JUDGMENT

5. The ☐ judgment creditor ☐ assignee of record ☐ other (*specify*):
 applies for an abstract of judgment and represents the following:
 a. Judgment debtor's

Name and last known address

- | | |
|---|----------------------------------|
| b. <input type="checkbox"/> Driver's license no. and state: | <input type="checkbox"/> Unknown |
| c. <input type="checkbox"/> Social security no.: | <input type="checkbox"/> Unknown |
| d. <input type="checkbox"/> Date of birth: | <input type="checkbox"/> Unknown |

Date: _____

 (TYPE OR PRINT NAME)

 (SIGNATURE OF APPLICANT OR ATTORNEY)
☐ ON INFORMATION AND BELIEF

ABSTRACT OF JUDGMENT

6. I certify that the following is a true and correct judgment entered in this action.
7. Judgment creditor (*name*):
☐ whose address or whose attorney's address appears on this form above the court's name.
8. Judgment debtor (*full name as it appears in judgment*):
9. Judgment entered on (*date*):
10. Total amount of judgment as entered or last renewed: \$
11. ☐ A stay of enforcement was ordered on _____ and is effective until _____.
☐ A stay of enforcement was not ordered.

[SEAL]

This abstract of judgment issued on (*date*):

Clerk, by _____, Deputy

NOTICE TO COUNTY RECORDER

THIS ORDER IS ENFORCEABLE AS IF IT WERE A CIVIL JUDGMENT, PURSUANT TO PENAL CODE SECTION 1202.4(l) AND (m), PENAL CODE SECTION 1214, AND WELFARE AND INSTITUTIONS CODE SECTION 730.6(i) AND (r), AND FUNCTIONS AS AN ABSTRACT OF JUDGMENT.

A. Attorney or Person Without Attorney

Write the name of your attorney. If you are representing yourself, your name goes here.

B. Recording Requested by and Return to

Check the box and place your name and address in the space provided. After the document has been filed with the court, you need to take a certified copy to the County Recorder's Office.

C. Telephone Number

Your telephone number goes here. You may also give a number where the court can leave a message for you.

D. Fax Number

You may write in your fax number here or you may leave this line blank.

E. E-mail Address

You may write in your e-mail address here or you may leave this line blank.

F. Applicable Party

Check the applicable box. If you are representing yourself, check the box for judgment creditor.

G. Name and Address of Court

Ask the clerk of your court for this information, including the court's address.

H. Case Name

Use the assigned case name. Example: *In re John D.* or *People of the State of California v. Doe.*

I. Case Number

Write the assigned case number in this space. You need to write this number at the top of every page of this form.

J. For Court Use Only

Leave blank. After this form is filed, the clerk will stamp this box on the copies so everyone knows they are copies of an official court document.

K. Order for Restitution

- ☐ a. If the person was convicted in criminal court, write in the date of the defendant's conviction and the defendant's name.
- ☐ b. In cases where a child has been found to be a person described in Welfare and Institutions Code section 602, item 1b. should be checked and the date of the hearing and the child's name filled in.
- ☐ c. If the parents or guardians are jointly and severally liable, write the names in the space provided.
- ☐ d. If co-offenders were found jointly and severally liable, write the names in the space provided.

This section must be completed by either you or the court. A separate order and abstract of judgment should be completed for each defendant or child ward found guilty of an offense.

L. Judicial Determination of Restitution

The defendant or child has a right to a restitution hearing. The hearing can be waived if the defendant or child agrees to give up his or her right to have a hearing. The amount of restitution may also be stipulated if the amount of restitution to be ordered is agreed to by all parties and the judge makes an order for the amount based on an agreement by all parties. It is very important to check the appropriate boxes to indicate whether the defendant or child has had a hearing or has waived the hearing. If you do not have all of the relevant information to complete this section, then the court should complete it for you.

M. Restitution Ordered to Pay

- ☐ a. If the court ordered the offender to pay you, write your name as the victim and the amount of restitution ordered by the court. Make sure the amount of restitution is not left blank or "to be determined." A dollar amount must be listed for the order to be enforceable.
- ☐ b. Check this box if the court ordered the State Victim Compensation Board to receive reimbursement for funds previously paid to you or your service provider by the Restitution Fund. Make sure the amount of reimbursement is not left blank or "to be determined." A dollar amount must be listed for the order to be enforceable.

N. Amount of Restitution

Check the applicable boxes a. through e. that specify why the restitution was ordered. Example: If the court ordered that you collect medical expenses and lost wages, check boxes b. and c. If the amount of restitution includes something that is not listed, check box e. and briefly specify what additional costs are covered.

(Front Side of Form CR-110/JV-790)

CR-110/JV-790

DRAFT 8 8/14/03

DRAFT 7 8/15/03

ORDER FOR RESTITUTION AND ABSTRACT OF JUDGMENT
(Penal Code, §§ 1202.4(f), 1214; Welfare and Institutions Code, § 730.6(h) and (i))

ORDER FOR RESTITUTION

1. a. ☐ On (date): defendant (name):
was convicted of a crime that entitles the victim to restitution.
b. ☐ On (date): child (name):
was found to be a person described in Welfare and Institutions Code section 602, which entitles the victim to restitution. ☐ Wardship is terminated.
c. ☐ Parents or guardians jointly and severally liable (name each):
d. ☐ Co-offenders found jointly and severally liable (name each):

2. Evidence was presented that the victim named below suffered losses as a result of defendant's/child's conduct. Defendant/child was informed of his or her right to a judicial determination of the amount of restitution and

a. ☐ a hearing was concluded.
b. ☐ stipulated to the amount of restitution to be ordered.
c. ☐ waived a hearing.

3. THE COURT ORDERS defendant/child to pay restitution to

a. ☐ the victim (name): in the amount of: \$
b. ☐ the State Victim Compensation Board, to reimburse payments to the victim from the Restitution Fund, in the amount of: \$
c. ☐ plus interest at 10% per year from the date of ☐ loss or ☐ sentencing
d. ☐ plus attorney fees and collection costs in the sum of \$
e. ☐ plus an administrative fee at 10% of the restitution owed (Pen. Code, § 1202.4(f); Welf. & Inst. Code, § 730.6(q))

4. The amount of restitution includes

a. ☐ value of property stolen or damaged
b. ☐ medical expenses
c. ☐ lost wages or profits
(1) ☐ incurred by victim due to injury
(2) ☐ of victim's parent(s) or guardian(s) (if victim is a child) incurred while caring for the injured child
(3) ☐ incurred by victim due to time spent as a witness or in assisting police or prosecution
(4) ☐ of victim's parent(s) or guardian(s) (if victim is a child) due to time spent as a witness or in assisting police or prosecution
d. ☐ noneconomic losses (felony violations of Pen. Code, § 288 only)
e. ☐ other (specify):

Date: _____

JUDICIAL OFFICER _____

VICTIM TO RECEIVE CERTIFIED COPY FOR FILING WITH COUNTY RECORDER

Form Approved for Optional Use
Judicial Council of California
CR-110/JV-790 (Rev. January 1, 2004)

ORDER FOR RESTITUTION AND ABSTRACT OF JUDGMENT

Penal Code, §§ 1202.4(f), 1214
Welfare and Institutions Code, § 730.6(h), (i), (j)
Civil Code, § 1714.1
Code of Civil Procedure, § 67460.7

Page 1 of 2

O. Case Name and Number

Use the case name and case number that you wrote on the front of the form.

P. Application for Abstract of Judgment

Check the applicable box. If you are the victim, check the box for judgment creditor. A separate judgment must be filed for each defendant or child and each victim.

- ☐ a. The judgment debtor is the person who was ordered to pay the restitution. Write the name and last known address of the judgment debtor in the space provided. You may also include any known aliases used by the judgment debtor.
- ☐ b. Fill in the judgment debtor's driver license number and state where it was issued, if you know them. If you do not know this information, check the "unknown" box to the right.
- ☐ c. Fill in the judgment debtor's social security number, if you know it. If you do not know this information, check the "unknown" box to the right.
- ☐ d. Fill in the judgment debtor's date of birth, if you know it. If you do not know this information, check the "unknown" box to the right.

Q. Name and Signature

Print your name on the line specified. If you are representing yourself, sign on the other line. Write in the date. If identifying information is obtained from other than direct sources, check the "On Information and Belief" box located below the signature line.

R. Judgment Creditor

Enter your name in the space provided.

S. Judgment Debtor

Enter the name of the judgment debtor in the space provided.

T. Judgment Date

Enter the date the judgment was entered. If you don't know the date, the clerk of the court should complete this information.

U. Amount of Judgment

Enter the amount of the judgment entered. If you do not know the amount, the clerk of the court should complete this information.

V. Stay of Enforcement

Specify whether the court has ordered a stay of enforcement. If a stay of enforcement was ordered, check the appropriate box and write in the date of the order and the date until it is effective. If a stay of enforcement was not ordered, check the other box.

W. Abstract of Judgment

The clerk of the court will write in the date the judgment was issued and will sign the Abstract of Judgment.

The box on the upper left-hand side of Page 1 of the form, which is described in Instructions A–F, is for the purposes of the county recorder. It should be filled out by the person seeking recording of the *Order for Restitution and Abstract of Judgment*. Once you receive a certified copy of the order and abstract of judgment from the court, you can record it with a county recorder for a nominal recording fee. To be enforceable, a judgment must be entered in the court records. Once the judgment is entered in the court records you may use it for civil remedies and collection efforts such as obtaining wage garnishments or writs of execution. Recording Form CR-110/JV-790 with the county recorder places an automatic lien against any real property that the defendant owns at the time of the recording or may own in the future. In juvenile cases, recording of the document places a lien against the parent's or guardian's real property if they are named in the judgment. Recording the judgment with the county recorder requires that the *Abstract of Judgment*, Page 2, be completed and signed.

After items 7 through 11 are completed, the form should be submitted to the court at sentencing or disposition. If completed after sentencing or disposition, the form should be submitted to the judge's clerk or the records clerk of the court. The clerk will provide you with a certified copy of the *Order for Restitution* and duplicate original of the *Abstract of Judgment* for recording by the county recorder.

(Back Side of Form CR-110/JV-790)

<p>NOTICE TO VICTIMS</p> <p>PENAL CODE SECTION 1214 PROVIDES THAT ONCE A DOLLAR AMOUNT OF RESTITUTION HAS BEEN ORDERED, THE ORDER IS THEN ENFORCEABLE AS IF IT WERE A CIVIL JUDGMENT. ALTHOUGH THE CLERK OF THE COURT IS NOT ALLOWED TO GIVE LEGAL ADVICE, YOU ARE ENTITLED TO ALL RESOURCES AVAILABLE UNDER THE LAW TO OBTAIN OTHER INFORMATION TO ASSIST IN ENFORCING THE ORDER.</p> <p>THIS ORDER DOES NOT EXPIRE UNDER PENAL CODE SECTION 1214(d).</p> <p>THE VICTIM SHALL FILE A SATISFACTION OF JUDGMENT WITH THE COURT WHENEVER AN ORDER TO PAY RESTITUTION IS SATISFIED, PURSUANT TO PENAL CODE SECTION 1214(d).</p>	<p>APPLICATION FOR ABSTRACT OF JUDGMENT</p> <p>5. The <input type="checkbox"/> judgment creditor <input type="checkbox"/> assignee of record <input type="checkbox"/> other (specify): a. Judgment debtor's Name and last known address</p> <p>b. Driver license no. and state: <input type="checkbox"/> Unknown c. Social security no.: <input type="checkbox"/> Unknown d. Date of birth: <input type="checkbox"/> Unknown</p> <p>Date: _____</p> <p>(TYPE OR PRINT NAME) _____ (SIGNATURE OF APPLICANT OR ATTORNEY) _____ <input type="checkbox"/> ON INFORMATION AND BELIEF</p>
<p>ABSTRACT OF JUDGMENT</p> <p>6. I certify that the following is a true and correct judgment entered in this action.</p> <p>7. Judgment creditor (name): <input type="checkbox"/> whose address or whose attorney's address appears on this form above the court's name.</p> <p>8. Judgment debtor (full name as it appears in judgment):</p> <p>9. Judgment entered on (date):</p> <p>10. Total amount of judgment as entered or last renewed: \$ _____</p> <p>11. <input type="checkbox"/> A stay of enforcement was ordered on _____ and is effective until _____. <input type="checkbox"/> A stay of enforcement was not ordered.</p> <p>This abstract of judgment issued on (date): _____</p> <p>Clerk, by _____, Deputy</p> <p>NOTICE TO COUNTY RECORDER</p> <p>THIS ORDER IS ENFORCEABLE AS IF IT WERE A CIVIL JUDGMENT, PURSUANT TO PENAL CODE SECTION 1202.4(i) AND (m), PENAL CODE SECTION 1214, AND WELFARE AND INSTITUTIONS CODE SECTION 730.6(i) AND (j), AND FUNCTIONS AS AN ABSTRACT OF JUDGMENT.</p>	

CR-110/JV-790 (Rev. January 1, 2004) Page 2 of 2

ORDER FOR RESTITUTION AND ABSTRACT OF JUDGMENT

INSTRUCTIONS: DEFENDANT'S STATEMENT OF ASSETS

CR-117

A. Name of Victim

The name of the victim who will receive restitution goes here.

B. Superior Court of California

Ask the clerk of your court or defendant's attorney for this information.

C. Name of Defendant

Write defendant's name in the space provided.

D. Case Number

Fill in the criminal case number assigned in the space provided.

E. Personal Information

- Defendant's name.
- If defendant has previously used another name, provide that name in the space provided.
- Defendant's date of birth.
- Defendant's social security number.
- Defendant's marital status.
- Defendant's driver license number and the state of issuance.
- Defendant's home address.
- Defendant's home telephone number.
- Defendant's employer's telephone number.

F. Income and Occupation

List defendant's sources of income and occupation. Include defendant's job title and the name of the division or office where defendant works or worked.

G. Address of Employer

- Write the name and address of defendant's business or employer.
- If defendant is not employed, write the names and addresses of all sources of income.

H. Pay Period

Specify how often defendant is paid, that is, daily, weekly, monthly.

I. Gross Pay

Specify defendant's gross pay each pay period.

J. Take-Home Pay

Specify defendant's take-home, that is, after-taxes pay for each pay period.

K. Spouse's Income

If defendant is married and defendant's spouse is employed, specify the name and address of his or her employer, job title, and division or office.

L. Other Sources of Income

If defendant has additional sources of income that have not been listed, write them here.

M. Cash

Write the amount of money defendant has in cash.

N. Accounts

Complete the required information regarding any money held in defendant's name in accounts in banks and any other financial institutions.

O. Automobiles

Complete the required information regarding any automobiles and boats defendant owns or jointly owns.

(Front Side of Form CR-115)
CR-115

<p>A NAME OF VICTIM ON WHOSE BEHALF RESTITUTION IS ORDERED:</p> <p>B NAME OF COURT: STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:</p> <p>C PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:</p> <p style="text-align: center;">DEFENDANT'S STATEMENT OF ASSETS</p> <p>E It is a misdemeanor to make any willful misstatement of material fact in completing this form (Pen. Code, § 1202.4(f)(4).) (Attach additional sheets if the space provided below for any item is not sufficient.)</p> <p>PERSONAL INFORMATION</p> <p>1. a. Name: AKA: c. Date of birth: d. Social security number: e. Marital status:</p> <p>f. Driver license number: State of issuance: g. Home address: h. Home telephone no.: i. Employer's telephone no.:</p> <p>EMPLOYMENT</p> <p>2. What are your sources of income and occupation? (Provide job title and name of division or office in which you work.)</p> <p>F 3. a. Name and address of your business or employer (include address of your payroll or human resources department, if different):</p> <p>G b. If not employed, names and addresses of all sources of income (specify):</p> <p>4. How often are you paid (for example, daily, weekly, biweekly, monthly)? (specify):</p> <p>5. What is your gross pay each pay period? \$</p> <p>6. What is your take-home pay each pay period? \$</p> <p>7. If your spouse earns any income, give the name of your spouse, the name and address of the business or employer, job title, and division or office (specify):</p> <p>8. Other sources of income (specify):</p> <p>CASH, BANK DEPOSITS</p> <p>9. How much money do you have in cash? \$</p> <p>10. How much other money do you have in banks, savings and loans, credit unions, and other financial institutions either in your own name or jointly (list):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Name and address of financial institution</th> <th>Account number</th> <th>Individual or joint?</th> <th>Balance</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td>\$</td> </tr> <tr> <td>b.</td> <td></td> <td></td> <td>\$</td> </tr> <tr> <td>c.</td> <td></td> <td></td> <td>\$</td> </tr> </tbody> </table> <p>PROPERTY</p> <p>11. List all automobiles, other vehicles, and boats owned in your name or jointly:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Make and year</th> <th>Value</th> <th>Legal owner if different from registered owner</th> <th>Amount owed</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td>\$</td> <td></td> <td>\$</td> </tr> <tr> <td>b.</td> <td>\$</td> <td></td> <td>\$</td> </tr> <tr> <td>c.</td> <td>\$</td> <td></td> <td>\$</td> </tr> </tbody> </table> <p style="text-align: center;">(Continued on reverse)</p> <p style="text-align: center;">DEFENDANT'S STATEMENT OF ASSETS</p> <p style="font-size: small;">Adopted for Mandatory Use Judicial Council of California CR-115 (New July 1, 2005)</p> <p style="text-align: right; font-size: small;">Penal Code, § 1202.4(f)</p>	Name and address of financial institution	Account number	Individual or joint?	Balance	a.			\$	b.			\$	c.			\$	Make and year	Value	Legal owner if different from registered owner	Amount owed	a.	\$		\$	b.	\$		\$	c.	\$		\$	<p>FOR COURT USE ONLY</p> <p>D</p> <p>CASE NUMBER:</p>
Name and address of financial institution	Account number	Individual or joint?	Balance																														
a.			\$																														
b.			\$																														
c.			\$																														
Make and year	Value	Legal owner if different from registered owner	Amount owed																														
a.	\$		\$																														
b.	\$		\$																														
c.	\$		\$																														

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P. Real Estate

List all real estate owned in defendant's name or jointly.

Q. Other Personal Property

List any valuable property that has not already been mentioned that defendant holds in his or her name or jointly.

R. Assets

List all other assets, including stocks, bonds, and mutual funds.

S. Assets Held for You

If anyone is holding any assets for defendant, check the "yes" box and describe the assets along with the name and address of each person or entity holding the assets.

T. Transfer of Assets

List any disposal or transfer of assets that defendant has made since his or her arrest on this matter.

U. Loans

If defendant has any outstanding loans, list them here. Give the details of the loan including why the loan was taken and to what institution defendant owes money.

V. Taxes

If defendant owes any past taxes, give the details here.

W. Support Arrearages

If defendant owes child or spousal support, attach copies of the orders and statements to this form.

X. Credit Cards

If defendant owes money on any credit cards, list the name of each creditor and the account number.

Y. Other Debts

If defendant has any additional debts that have not yet been listed, write them down in the space provided.

Z. Date and Signature

Indicate the date and defendant's name and have defendant sign in the spaces provided.

AA. Interpreter

If an interpreter was used to complete the document, he or she must print his or her name, include his or her signature, and indicate the date.

(Back Side of Form CR-115)

PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT:	CASE NUMBER:
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12. List all real estate owned in your name or jointly:

	<u>Address of real estate</u>	<u>Fair market value</u>	<u>Amount owed</u>
P	a. →	\$	\$
	b. →	\$	\$

13. List anything of value not listed above owned in your name or jointly (continue on attached sheet if necessary):

	<u>Description</u>	<u>Value</u>	<u>Address where property is located</u>
Q	a. →	\$	
	b. →	\$	
	c. →	\$	

ASSETS

14. List all other assets, including stocks, bonds, mutual funds, and other securities (specify):

R →

15. Is anyone holding assets for you? ☐ Yes. ☐ No. If yes, describe the assets and give the name and address of the person or entity holding each asset (specify):

S →

16. Except for attorney fees in this matter and ordinary and routine household expenses, have you disposed of or transferred any assets since your arrest on this matter? ☐ Yes. ☐ No.
If yes, give the name and address of each person or entity who received any asset and describe each asset (specify):

T →

DEBTS

17. Loans (give details):

U →

18. Taxes (give details):

V →

19. Support arrearages (attach copies of orders and statements):

W →

20. Credit cards (give creditor's name and address and the account number):

X →

21. Other debts (specify):

Y

Z

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE)

AA I, (name): _____, a certified interpreter, having been duly sworn, truly translated this form to the defendant in the (specify language): _____ language. The defendant indicated that he/she understood the contents of the form and he/she completed the form.

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE)

CR-115 [New July 1, 2000] **DEFENDANT'S STATEMENT OF ASSETS** Page two

SPR03-41
Victim Restitution Form and Instructions
(revise form CR-110/JV-790; approve forms CR-112/JV-792 and CR-117)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Mr. Ronald L. Bauer Superior Court of Orange County	A	Y	The Rules and Forms Committee of the Orange County Superior Court reviewed this item at their meeting on June 19, 2003. We agree with the proposed changes.	No response required.
2.	Hon. Brian J. Back Juvenile Court Presiding Judge Superior Court of Ventura County	AM	Y	1. CR-110/JV-790: a. Paragraph 1. d.: More room is needed in this section, particularly in juvenile matters where there are numerous co-offenders. b. Paragraph 3. e.: The word “resolution” needs to be changed to “restitution.”	1.a. Agree. 1.b. Agree.
3.	Ms. Diana Dorame Chair of the Executive Committee of the Family Law Section State Bar of California	A	Y	No specific comment.	No response required.
4.	Mr. Robert Gerard President Orange County Bar Association	A	Y	No specific comment.	No response required.
5.	Mr. Stephen Love Executive Officer Superior Court of San Diego County	AM	Y	1. CR-110/JV-790 (Page 1): a. Paragraph 3e: “a 10 % administrative fee” should be replaced with “an administrative fee at 10%.” b. Paragraph 3e: “resolution” should be replaced with “restitution.”	1.a. Agree. 1.b. Agree.

SPR03-41
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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>2. CR-110/JV-790 (Page 2):</p> <p>a. Paragraph 5a: “Judgment’s” should be changed to “Judgment.”</p> <p>b. Paragraph 5b: Capitalize “license” and “state.”</p> <p>c. Paragraph 5c: Capitalize “security.”</p> <p>d. Paragraph 7: This check box seems unnecessary.</p> <p>3. CR-112/JV-792 (Page 1):</p> <p>a. Instruction C: Clarify. Is providing a number where a message can be left a requirement instead of or in addition to indicating your telephone number?</p> <p>b. Instruction D and E: Use alternative language. Change Instruction D to, “You may write in your fax number or you may leave this line blank.” Change Instruction E to, “You may write in your e-mail</p>	<p>2. a. Agree.</p> <p>2.b. This change is not consistent with the Administrative Office of the Courts Style Guidelines.</p> <p>2.c. This change is not consistent with the Administrative Office of the Courts Style Guidelines.</p> <p>2.d. The check box is necessary to indicate whether the Judgment creditor’s address or the attorney’s address appears on the form.</p> <p>3.a. Agree. Instruction C will be clarified to indicate that leaving a phone number where the court can leave a message is a requirement in addition to providing your phone number.</p> <p>3.b. Agree.</p>

SPR03-41
Victim Restitution Form and Instructions
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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>address or you may leave this line blank.”</p> <p>c. Instruction J: Insert “Leave blank” at the beginning of the instruction.</p> <p>d. Instruction J: The part that reads, “so everyone knows it is a copy of an official court document” seems unnecessary.</p> <p>e. Instruction K: In section b of this instruction, “conviction” should be changed to “the subject of a true finding” and “child’s conviction” should be changed to “true finding.”</p> <p>f. Instruction K: In the second sentence of section b, “chek” should be changed to “check.”</p> <p>g. Instruction K: The last sentence of this instruction, which states, “You may leave this section blank for the court to complete, but make sure it is completed.” seems contradictory. Need clearer instructions on how and when to check for completion.</p> <p>h. Instruction M: In section a, bold face or italicize “dollar amount.”</p>	<p>3.c. Agree.</p> <p>3.d. The committee has decided to recommend keeping this language to provide further clarification and detail.</p> <p>3.e. Agree in principle. Language will be revised.</p> <p>3.f. Agree.</p> <p>3.g. Agree. This instruction will be clarified.</p> <p>3.h. This change is inconsistent with the Administrative Office of the Courts Style Guidelines.</p>

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>i. Instruction M: In section b, add this statement to the end of the instruction, “Make sure the amount of reimbursement is not left blank or ‘to be determined’. A dollar amount must be listed for the order to be enforceable.”</p> <p>j. Instruction M: Need instructions for boxes c, d, and e?</p> <p>4. CR-112/JV-792 (Page 2):</p> <p>a. Instruction O: For clarification, delete the word “in,” which comes after the word “wrote.”</p> <p>b. Instruction P: Add the following sentence after “judgment creditor” but before the start of section a: “For multiple defendants, or multiple victims, multiple abstracts of judgment must be filed</p> <p>c. Instruction P: In section a, delete the “s” at the end of “judgments” in the second sentence.</p> <p>d. Instruction P: In sections b, c, and d, insert quotation marks around the word “unknown.”</p>	<p>3.i. Agree.</p> <p>3.j. Instructions for sections c, d, and e are not necessary because these sections are self-explanatory.</p> <p>4.a. Agree in principle. To make the instruction more clear, the committee has decided to recommend changing the sentence in Instruction O so that it reads, “Use the case name and case number that you wrote on the front of the form.”</p> <p>4.b. Agree in principle. The language will be revised.</p> <p>4.c. Agree.</p> <p>4.d. Agree.</p>

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				<p>e. Instruction Q: In the first sentence, delete “blank” and insert “specified” after “line” so that it reads “on the line specified.”</p> <p>f. Instruction Q: In the third sentence, delete “Also” and capitalize “write.”</p> <p>g. Instruction T: In the second sentence, insert a comma after the word “date.”</p> <p>5. CR-117 and CR-115: Although the instructions in CR-117 were developed to instruct victims on how to fill out form CR-115, the language used in CR-115 is directed to the defendant, not the victim. The use in CR-115 of the direct personal pronouns (“you,” “your”) is likely to be confusing for victims who are trying to complete the form. Suggestion: Revise CR-115 by changing “you” to “defendant” and changing “your” to “defendant’s.”</p> <p>6. CR-117:</p> <p>a. Instruction A: Insert a period at the end of the sentence.</p> <p>b. Instruction B: Delete the comma after the word “court.”</p> <p>c. Instruction O: Change “defendant’s own” to “defendant owns.”</p>	<p>4.e. Agree.</p> <p>4.f. Agree.</p> <p>4.g. Agree.</p> <p>5. Disagree. The form is to be filled out by the defendant and the instructions are clear.</p> <p>6.a. Agree.</p> <p>6.b. Agree.</p> <p>6.c. Agree.</p>

SPR03-41
Victim Restitution Form and Instructions
(revise form CR-110/JV-790; approve forms CR-112/JV-792 and CR-117)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
6.	Ms. Tricia McCoy Supervising Clerk —Juvenile Division Superior Court of Kern County	N	N	No comment from the Juvenile Rules Committee.	No response required.
7.	Mr. Michael R. Pent Deputy District Attorney Chief, Restitution Enforcement, and Victim Services Division San Diego County District Attorney's Office	AM	Y	<p>1. CR-110/JV-790 (Page 1):</p> <p>a. Recommend that “FOR RECORDER’S USE (TO BE FILLED IN BY JUDGMENT CREDITOR OR REPRESENTATIVE FOR RECORDING ONLY)” be added to the upper left box on the first page and the first check box be removed in order to clarify that the purpose of the box is for use subsequent to the entry of the order and abstract.</p> <p>b. In the first sentence of paragraph 2, the word “above” should be changed to the word “below.” The victim’s name is to be identified in paragraph 3 of the form, which is listed below paragraph 2.</p> <p>c. To facilitate possible inquiries regarding the language on the form, we recommend that a paragraph 5 be added to the Order for Restitution above the Judicial Officer’s signature as follows: “5. This order was prepared and submitted to the court by (Judgment creditor, Prosecutor, Probation officer, Attorney, Assignee, or other representative):_____.”</p>	<p>1.a. This recommendation is inconsistent with other Judicial Council forms. Generally, explanatory text is not included in the upper left-hand boxes located on the forms.</p> <p>1.b. Agree.</p> <p>1.c. This recommendation is unnecessary because the name of the person who submitted the form is indicated on the top of the first page of the form and therefore, this person can be contacted in the event of inquiries regarding language on the form.</p>

SPR03-41
Victim Restitution Form and Instructions
(revise form CR-110/JV-790; approve forms CR-112/JV-792 and CR-117)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>2. CR-110/JV-790, Proposed Addendum-Page 3: A third addendum page was submitted with our original proposal to revise this form. We have found in practice that the space available on page one and two of the form is insufficient to include all the information necessary for a complete restitution order and abstract of judgment, particularly when there are multiple victims or defendants. Furthermore, we have found that our proposed addendum will be accepted for recording without additional costs to victims.</p> <p>3. CR-112/JV-792, Instructions A, B, C, D, E, and F: We recommend that the Instructions A-F on this form include the following preamble to clarify that for all civil remedies, recording the judgment is not required: "This box is for the county recorder purposes. It should be filled out by the person seeking recording of the Order for Restitution and Abstract of Judgment. This is normally the victim, the victim's attorney, collection agent or representative. Once you receive a certified copy of the order and abstract of judgment from the court you can record it with a county recorder for a nominal recording fee. To be enforceable, a judgment must be entered in the court records. Once the judgment is entered in the court records you may use it for civil remedies and collection efforts such as obtaining wage garnishments or Writs of Execution. Recording the CR-110/JV-790 with the county recorder places an</p>	<p>2. A page 3 addendum to the form should not be added because the abstract of judgment form cannot be used for multiple amounts owed or for multiple creditors; each creditor would need to record an individual abstract form.</p> <p>3. Agree. Language will be implemented in principle. The committee has decided to recommend adding this language at the end of the form rather than at the beginning.</p>

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				<p>automatic lien against any real property that the defendant owns at the time of the recording or may own in the future. In juvenile cases, recording of the document places a lien against the parent's or guardian's real property if they were named in the judgment. To record the judgment with the county recorder requires that the Abstract of Judgment, Page 2, be completed and signed."</p> <p>4. CR-112/JV-790, Instruction K: Because the use of the words convicted and conviction for juvenile cases is incorrect, we suggest the following change in language for subdivision b of Instruction K: "In cases where a juvenile judge has found that a minor committed an offense and adjudged the minor a ward of the court of deferred judgment, box 1b should be checked. The minor's name should be entered. The date the minor was adjudged a ward of the court should be entered. If the minor was made a ward of the court and the wardship has been terminated, please check the applicable box."</p> <p>5. CR-112/JV-790, Instruction K: We suggest the following general language be added at the end of Instruction K: "A separate order and abstract of judgment should be completed for each defendant or minor ward found guilty of an offense."</p> <p>6. CR-112/JV-792, Instruction L: We suggest the following language as a substitute for</p>	<p>4. Agree in principle. Language will be revised.</p> <p>5. Agree.</p>

SPR03-41**Victim Restitution Form and Instructions**

(revise form CR-110/JV-790; approve forms CR-112/JV-792 and CR-117)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>the language in Instruction L, to clarify paragraph 2 of the order:</p> <p>“The defendant or minor ward has a right to a restitution hearing. The hearing can be waived if the defendant or minor ward agrees to give up his or her right to have a hearing. The amount of restitution may also be stipulated if the amount of restitution to be ordered is agreed to by all parties and the judge makes an order for the amount based on an agreement by all the parties. It is very important to check the appropriate boxes to indicate whether the defendant or minor ward has had a hearing or has waived the hearing. Civil enforcement remedies are available only when it is shown that the defendant had a hearing or waived the hearing.”</p> <p>7. CR-112/JV-792, Instruction M (b): We recommend that the language of Instruction M, subdivision b should be changed to read: “This box should be checked only if a court ordered that the State Victim Compensation Board receive reimbursement for funds previously paid from the State Restitution Fund to a victim or on behalf of a victim by a service provider. Generally, the State Victim Compensation board will seek a separate order if they have made such payments and their representative will check this box.”</p> <p>8. CR-112/JV-792, Instruction P: We suggest that Instruction P, subdivision a of this</p>	<p>6. Agree in principle. Language will be revised.</p> <p>7. The committee believes the original instruction is clearer.</p>

SPR03-41**Victim Restitution Form and Instructions**

(revise form CR-110/JV-790; approve forms CR-112/JV-792 and CR-117)

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				<p>form be changed by adding this sentence at the end: “You may also include any known aliases used by the judgment debtor.”</p> <p>9. CR-112/JV-792, Instruction Q: We suggest adding additional language to the end of Instruction Q to clarify the listed boxes and “On Information and Belief”: “Check the box for the individual applying for the Abstract of Judgment. The “other” box should be checked and the title or position of the person signing the application should be entered if someone other than the judgment creditor or assignee is applying for the abstract of judgment (e.g., a deputy probation officer, deputy district attorney, deputy city attorney, or staff members, etc.) The judgment debtor section should contain the most current information for the defendant or minor and his jointly and severally liable parent(s) or guardian(s). The application for Abstract of Judgment should be signed by a person knowledgeable of both the judgment and the identifying information for the judgment debtor. The application may be signed by a probation officer, victim witness advocate, deputy district attorney or deputy city attorney. If identifying information is obtained from other than direct sources, the “On Information and Belief” box located below the signature line should be checked.”</p> <p>10. CR-112/JV-792, Suggested General Concluding Instruction:</p>	<p>8. Agree.</p> <p>9. Agree in part. “On information and Belief” requires further explanation. The committee has decided to recommend adding the last sentence of the suggested changes to Instruction Q on the form.</p>

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Victim Restitution Form and Instructions
(revise form CR-110/JV-790; approve forms CR-112/JV-792 and CR-117)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				<p>We suggest that the instruction conclude with the following language: “After paragraphs 7 through 10 are completed, the form should be submitted to the court at sentencing or if completed after sentencing, the form should be submitted to the judge’s clerk or the criminal records clerk of the court. A clerk will sign, write the date, and affix the court seal or ink stamp on the Abstract of judgment. Generally, the original Order For Restitution and a copy of the Abstract of Judgment are retained in the court file. The clerk will provide you with a certified copy of the Order For Restitution and duplicate original of the Abstract of Judgment for the recording by the County Recorder.”</p>	10. Agree in principle. Language will be revised.
8.	Mr. Antonio R. Sarabia Attorney	AM	N	<p>1. CR-110/JV-790 (Abstract portion, page 2): This part of the form fails to comply with Code of Civil Procedure, section 674(a)(7) because there is no area to specify whether a stay has been entered. Section 674 of the Code of Civil Procedure requires that an abstract of judgment form include whether the court has ordered a stay of enforcement.</p> <p>In addition, specification of whether a stay has been ordered on the abstract of judgment form may be required in criminal restitution claims. According to <i>People v. Superior Court (Laff)</i>, (2001) 25 Cal.4th 703, 729 n.12, compliance with Part II of the California Civil Procedure Code, which includes section 674, may not be required in criminal cases. However, the omission of whether a stay has been</p>	1. Agree in principle. Language will be revised. While the abstract of judgment is a civil order, the order for restitution is criminal in nature. Therefore, the abstract of judgment form as a civil order must include whether a stay has been ordered according to section 674(a)(7) of the Code of Civil Procedure.

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	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
				entered makes a challenge to an abstract of judgment form an easy target by counsel for a criminal defendant. Many civil judges faced with such a challenge may not be aware of the holding of <i>People v. Superior Court (Laff)</i> . The solution is to insert a number 11 on page 2 of the form, which states “A stay has/has not been ordered until ____.” Check boxes could be used.	